FOR FILING

\* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY

3rd Councilmanic District \* Case No. 92-421-A Abraham L. Adler Petitioner \* \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioner requests relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section iAO4.3.B.3 to permit a building setback of 60 feet in lieu of the required 75 feet; from Section 1A04.3.B.3 to permit a building setback of 35 feet in lieu of the required 50 feet; from Section 301.1 to permit a setback of 25 feet in lieu of the required minimum of 37.5 feet for a deck, and to amend the partial development plan of Huntington, Section II in accordance with Petitioner's Exhibits 1 and 2.

The Petitioner, Abraham L. Adler, President, Huntingdon Development Corporation, appeared and testified. Also appearing on behalf of the Petitioner was David S. Thaler of D.S. Thaler and Associates, Engineering and Land Consultants. There were no Protestants.

Testimony indicated that the subject property, known as 3216 Hunting Tweed Drive, consists of 1.699 acres, more or less, zoned R.C. 5 and is presently unimproved. Said property, also known as Lot 24 of Huntington, is proposed for development with a single family dwelling. However, due to the topography of the land and the location of streams and wetlands thereon, the permitted development area is quite small. Testimony indicated that the homes in this particular development range in price from \$300,000 to \$600,000 and in order to construct a home comparable to existing homes in the neighborhood, the requested variances are necessary. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this b''' day of June, 1992, that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 to permit a building setback of 60 feet in lieu of the required 75 feet; from Section 1A04.3.B.3 to permit a building setback of 35 feet in lieu of the required 50 feet; from Section 301.1 to permit a setback of 25 feet in lieu of the required minimum of 37.5 feet for a deck, and to amend the partial development plan of Huntington, Section II, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restric-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Development of the subject property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains in accordance with the comments submitted by the Department of Environmental Protection and Resource Management, dated May 19, 1992 and received in this offic June 11, 1992.

buth Kotrow TIMOTHY M KOTROCO Deputy Zoning Commissioner

Petition for Variance to the Zoning Committee for the property located at 3216 Hunting Tweed Drive which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached. 1) 1A04.3.B.3.-TO ALLOW A GO' BUTG. SERBACK IN LIEU OF THE PERUITED TO.

2) 1A04.3.B.3.-TO ALLOW A 35' BUTG GETTERCK IN LIEU OF THE PERUITED TO. 3) 301.1-TO ALLOW A 25 DECK EXPENCE IN HEU OF THE PERVICED 37.5. 3) 301.1-10 ACCOUNT TO DESCRIPTION OF HUNTINGTON SECTION IT.

4) TO HIEND THE PROTECT DEVELOPMENT FROM OF HUNTINGTON SECTION IT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) The topography and configuration of the building envelope prohibit construction of homes typical of the neighborhood and present an unreasonable hardship and practical difficulty and for other reasons to be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	VWe do solumnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lussee:	Legal Owner(s):
CONSTRUCTION	Abraham L. Adler (Prseident, Huntington
(Type or Print Name)	(Type or Print When the Corporation
Signature	Significant
Address	(Type or Prifit Name)
City State Zipcode	Signature .
Attorney for Peditioner:	20 South Charles Street 539-6967
(Type or Print Name)	Address Phone No.
	Baltimore MD 21201
	City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative
Signature	to be contacted.
	Abraham L. Adler, Esquire
Address Phone No.	20 South Charles Street 539-6967
City State Zipcode	Address Phone No.
ORDER RECEIVED FOR FILING	ESTIMATED LENGTH OF HEARING & hr.
Date _6/14/92	the following dates Heart Two Months
700	ALLOTHERDATE_4/2=/42_
<b>6001</b>	PREVIEWED SY: MTK DATE 4/28/42

April 20, 1992

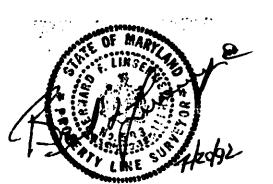
DESCRIPTION TO ACCOMPANY VARIANCE REQUEST HUNTINGTON, LOT 24

Beginning at the northerly right-of-way line of Hunting Tweed Drive at a point 1,800 feet, more or less, west of the intersection of Park Heights Avenue and Hunting Tweed Drive; thence, the following five (5) courses and distances:

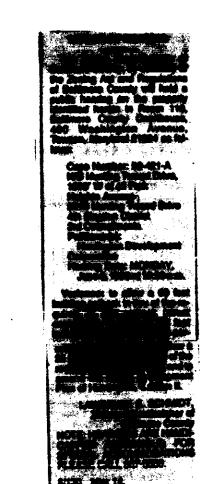
- 1. South 61°45'14" West 150.00 feet to a point; thence,
- 2. 265.95 feet by a curve to the right, having a radius of 575.00 feet and a chord of South 75' 00'15" West 263.59 feet to a point; thence,
- 3. North 05°06'36" West 207.97 feet to a point; thence,
- 4. North 87°30'00" East 360.65 feet to a point; thence,
- 5. South 28°14'46" East 95.00 feet to the point of beginning.

Containing 1.469 acres of land, more or less.

Being Lot No. 24, Section Two in the subdivision of Huntington as recorded in the Plat Records of Baltimore County, Maryland in Plat Book No. 55 folio 13. Also known as 3216 Hunting Tweed Drive and located in the Fourth Election District.



92-421-A CERTIFICATE OF POSTIN ROMAN DEPARTMENT OF BALTIMORE COUNTY



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on 5/14

Baltimore County Government Zoning Commissioner Office of Planning and Zoning ा प्राप्त है

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Abraham L. Adler, President Huntington Development Corporation 20 S. Charles Street Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE N/S Hunting Tweed Drive, 1800' W of the c/l of Park Heights Avenue (3216 Hunting Tweed Drive) 4th Election District - 3rd Councilmanic District Abraham L. Adler - Petitioner Case No. 92-421-A

June 16, 1992

Dear Mr. Adler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO

TMK:bjs

cc: People's Counsel

Deputy Zoning Commissioner for Baltimore County

04A04#0089MICHRC \$50.00 OA CO19#25AH04-23-92
VALIDATION OR SIGNATURE OF CASHIER

H9200442

PAID PER HAND-WRITTEN RECEIPT DATED 4/22/92

5/04/92

PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL)

\$50.00

\$50.00 LAST NAME OF OWNER: HUNTINGTON DEV

Please Make Checks Payable To: Baltimore County



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TASE NAME OF OWNER: BURELINGTON OF A

Please Make Checks Payable To: Baltimore County

04A04#0170HICHRC

111 West Chesapeake Avenue Towson, MD 21201

(410) 887-3353

DATE: 5.27.92

Huntington Development Corporation Abraham L. Adler, Esq. 30 South Charles Street Baltimore, Maryland 21201

CASE NUMBER: 92-431-A N/S Hunting Tweed Prive, 1600' W of c/l Park Heights Avenue 1216 Hunting Tweed Prive 4th Election District - 3rd Councilmanic Potitioner(s): Huntington Development Corporation

peur Patitioner(s):

Pleas: be advised that \$  $\cancel{84.70}$  is due for advertising and posting of the above captioned

THIS FEE MUST BE FAID. ALSO, THE ZOVING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE CADER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL. THE DAY OF THE

Floans: forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avonue, Roca 113, Towson, Maryland 21204. It should have your case market noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the inspance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON

Fronted on Fig. 1, hist Paper

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-421-A N/S Hunting Tweed Drive, 1800' W of c/l Park Heights Avenue 3216 Hunting Tweed Drive 4th Election District - 3rd Councilmanic Petitioner(s): Huntington Development Corporation HEARING: MONDAY, JUNE 8, 1992 at 10:30 a.m.

Variance to allow a 60 foot building setback in lieu of the required 75 foot setback (street centerline); to allow a 35 foot building setback in lieu of the permitted 50 foot setback; to allow a 25 foot deck setback in lieu of the required 37.5 foot setback; and to amend the Portial Development Plan of Huntington, Section II.

Zoning Commissioner of Baltimore County

cc: Abraham L. Adler

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

MEMORANDUM

Arnold Jablon, Director - Zoning Administration & Development Management

Ervin McDaniel, Chief Development Review Section

Office of Planning and Zoning May 5, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - May 4, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George Raduano - Merritt Blvd. Huntington Development Corp. - Hunting Tweed Drive 442.
Waldon J. Stevanus - 8524 Volmert Avenue Rita L. Ruff - Elm Road Eric Van Den Beemt - Monkton Road Warren E. Downey - Weddel Avenue

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211. BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 7, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 4, 1992

LEGAL OWNER: Huntington Development Corporation 442

There are no comments for this site.

RJF/dm

**Baltimore County Government** Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Fowson, MD 21204

May 27, 1992

Mr. Abraham L. Adler 20 South Charles Stret Baltimore, MD 21201

700 East Joppa Road Suite 901 Towson, MD 21204-5500 Arnold Jablon

Zoning Administration and

Development Management
Baltimore County Office Building

Item No.: 442 (MJR)

Director

Gentlemen:

JP/KEK

Towson, MD 21204

RE: Property Owner:

Location:

RE: Item No. 442, Case No. 92-421-A Petitioner: Abraham L. Adler Petition for Variance

Dear Mr. Adler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

> Baltimore County Government Fire Department

HUNTINGTON DEVELOPMENT CORPORATION

Noted and

Zoning Agenda: MAY 4, 1992

#3216 NUNTING TWEED DRIVE

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

111 West Chesapeake Avenue Towson, MD 21204

887-3353

5085-92

(301) 887-4500

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

Your petition has been received and accepted for filing this

22nd day of April, 1992.

Petitioner: Abraham L. Adler

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for May 11, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following properties:

Scripps Howard Broadcasting Company 6400 York Road

Huntington Development Corporation 442

Waldon J. Stevanus & Margaret O. Stevanus 8524 Vollmert Avenue

Rita L. Ruff 1307 Elma Road

Jeffrey W. Sheldon & Charles H. Sheldon 211 Nicodemus Road

Eric vanden Beemt & Patricia vanden Beemt 16616 Remare Road Wm R. Sturgeon & Carol L. Sturgeon

8715 Windsor Mill Road Warren E. Downey & Linda M. Downey

1227 Weddel Avenue SIGNED: BORERT W. BOWN HIS

ROBERT W. BOWLING, P.E., Chief

Developers Engineering Division

RWB: DAK: s

5\_4\_92.txt Petitns.txt

Fire Prevention Bureau

Department Development Authorized	: Review Co	ion and Parka mmittee Response to	- Vu	Date 5/4/92
File Number		iver Number Z		Meeting Date
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BALT ORE COUNTY, MAR OAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Mr. J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning 1tem F442
Zoning Advisory Committee Meeting May 4, 1992

The Department of Environmental Protection and Resource Management
offers the following comments on the above referenced zoning Item:

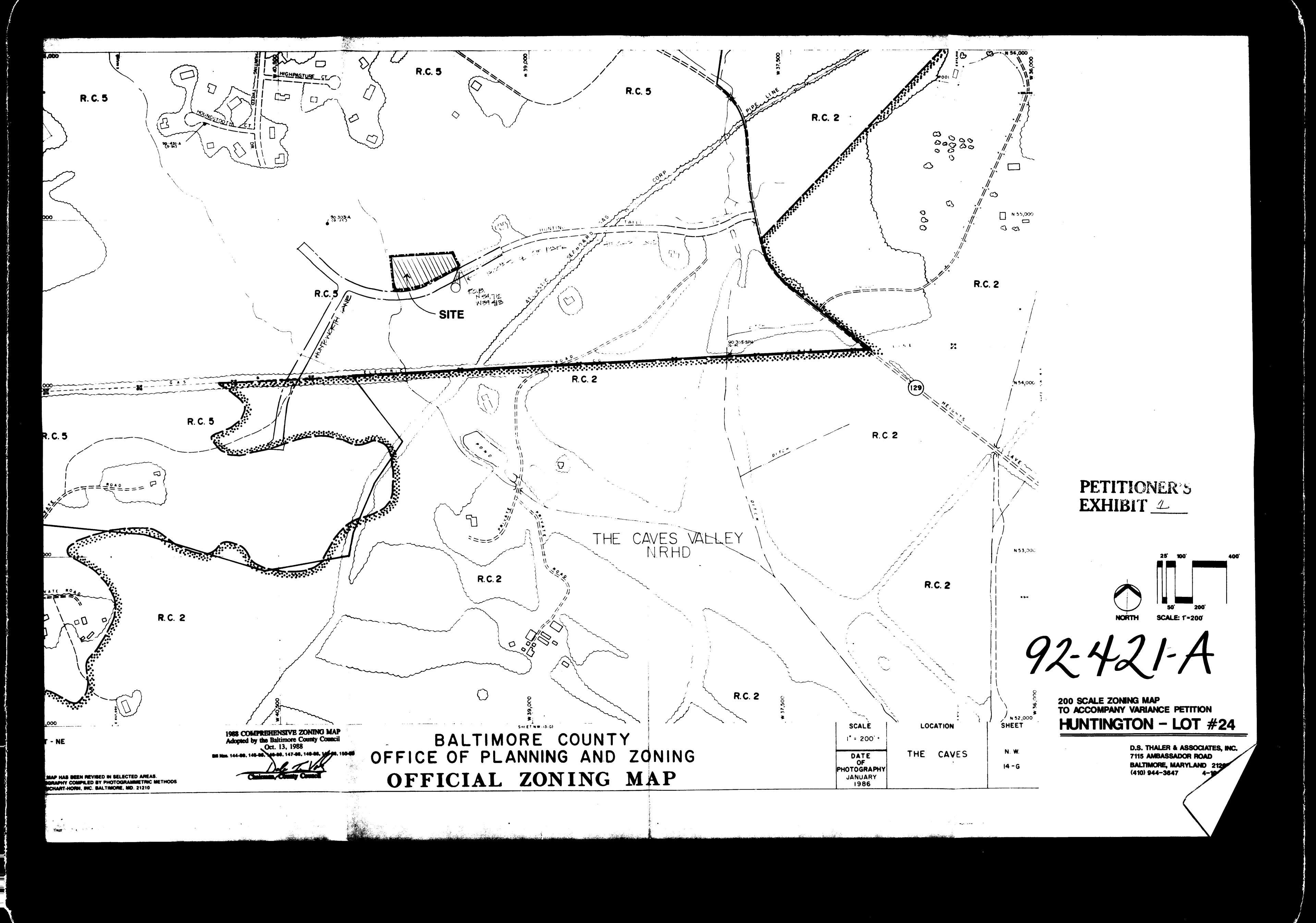
1. Development of the property must comply with the Regulations for the Protection of Mater Quality, Streams, Metlands and Floodplains.

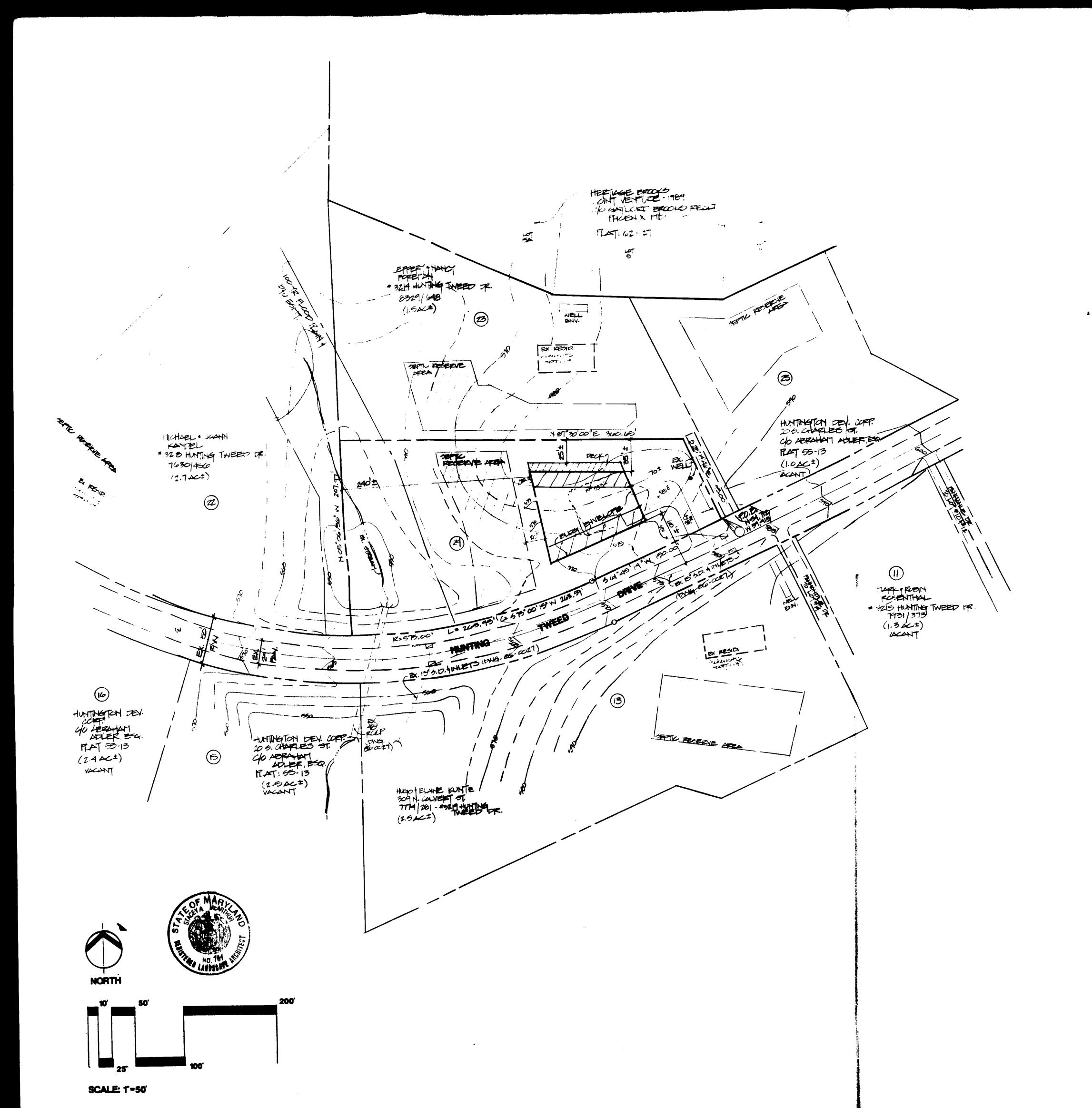
2. The proposed zoning variance will not prohibit the amplicant from complying with the above referenced regulations. Therefore, this office supports the variance.

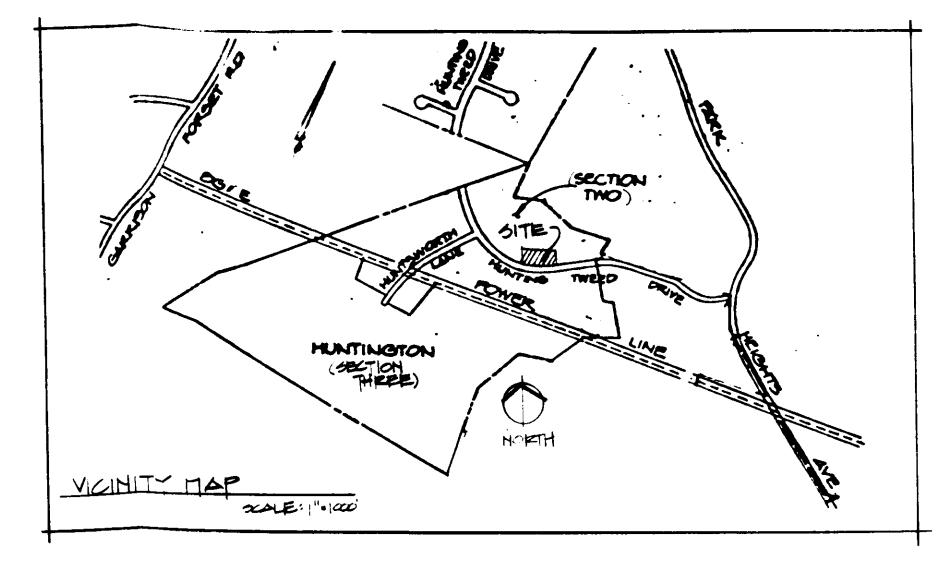
3. There must be a 20 foot setback from the septic reserve area and a 30 foot setback from the well to any structures.

LJP:sp

JABLON/S/TXTSEP







## GENERAL NOTES

5. SITE

Huntington Lot #24 (3216 Hunting Tweed Drive)

Huntington Development Corporation 20 South Charles Street Baltimore, Maryland 21201 ATTN: Abraham L. Adler, Esquire

(410) 539-6967 PROPERTY REFERENCES

PLAT: 55-13 TAX ACCOUNT NUMBER: 20-00-00-9515
TAX MAP: 58 GRID: 5 PARCEL: 552 LOT: 24

D.S. Thaler & Associates, Inc. 7115 Ambassador Road

Baltimore, Haryland 21207 (410) 944-3647

ATTM: Stacey A. McArthur, R.L.A. 4. GENERAL DATA: Election District: 4

Census Tract: 4049 Councilmanic District: 3

Watershed: 24 Subsewershed: 61

> A. Gross acreage = 1.699 ac + Net acreage = 1.469 ac +

B. Zoning
Existing Zoning: RC-5

C. History

Well and septic will be provided.

VACANT LOT OF RECORD

All roads are public.

Grading shown is schematic only.

10. Development Restrictions (RC areas)

Each dwelling homesite shall be subject to a 15% limitation on the area covered by impermeable surfaces and a 25% limitation on the removal of existing timber and forest cover.

11. CRG plan approved May 1982.

## VARIANCE REQUESTS

- 1) To allow a 60' building setback in lieu of the required 75' setback from the centerline of the road (per B.C.Z.R. Section 1A04.3.B.3.)
- 2) To allow a 35 't building setback in lieu of the permitted 50' setback from a lot line (per B.C.Z.R. Section 1A04.3.B.3.)
- 3) To allow a 25<sup>1</sup> deck setback in lieu of the required 25% of the minimum required depth of the rear yard (50' x 25% = 37.5' setback) (per B.C.Z.R. Section 301.1.)

PTITIONER:

HIBIT 2

PLAT TO ACCOMPANY VARIANCE PETITION HUNTINGTON - LOT #24

D.S. THALER & ASSOCIATES, INC. 7115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21207 (410) 944-3647 4-10-92 4-10-92